

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

September 11, 2006

Members: Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

Present: Banuelos, Coonrod, Harder, Hentzen, Herzberg, Murabito, Willenberg, Youle

Absent: Hartwell

Staff Members Present: Deb Legge, Maria Bias, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, September 11, 2006, at 1:30 p.m. in the 11th floor Fire Department Conference Room, City Hall, 455 N. Main, Wichita, Kansas.

Chairman Murabito called for the Board Members and City Staff to introduce themselves to those present.

1. Approval of the Minutes of the August 7, 2006, meeting.

Board Member Banuelos made a motion to approve the August, 2006, minutes as submitted. Board Member Willenberg seconded the motion. The motion passed unopposed. (Board Members Youle and Herzberg were not present during this vote.)

2. Approval of the September, 2006, license examination applications as follows:

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Charles Brandon	Roofing & Siding	September 2006

Board Member Hentzen made a motion to approve the license application for testing. Board Member Willenberg seconded the motion. The motion carried. (Board Members Youle and Herzberg were not present during this vote.)

3. Condemnation Hearings

Review Cases:

1. 2007 E. 11th

Jim Torske was present as a representative for this property.

This property was presented to the Board for the first time on August 7, 2006. At that time, Ms. Legge had advised the Board that the buyer had not received the deed to the property. A motion was made and approved to defer this property to the September, 2006, hearing. Ms. Legge asked Mr. Torske to apprise the Board of the current condition of the premise and the status of the deed.

Mr. Torske informed the Board that the premise was cleared of all debris and had been mowed. He relayed that he was still awaiting the deed to the property and could not begin any repairs to the structure until he received the deed. Upon receipt of the document, he planned to install a new roof and new siding.

Board Member Coonrod questioned whether the structure was secure; Ms. Bias explained that the photo displayed to the Board had been taken while someone had been working at the property, which was why the door was open at that time.

Board Member Hentzen asked if Mr. Torske knew approximately how long it would be until he received the deed. Mr. Torske responded that he was told at the tax sale where he obtained the property that it would be between thirty and sixty days from the date of purchase. He went on to say that it had already been thirty days, so he expected to receive it within the next thirty days. In his own experience, the process for getting a deed for a property purchased at a tax sale, Board Member Banuelos interjected, could be as long as six months.

Board Member Youle asked Mr. Torske what length of time would be required for the exterior repairs of the structure once he had the deed. Mr. Torske speculated that it would take about sixty days to complete the exterior work.

A motion was made by Board Member Hentzen to allow Mr. Torske until the November, 2006, hearing to complete the exterior repairs, keeping the property clean and secure in the meantime, or reappear before the Board. Board Member Coonrod seconded the motion. The motion carried unanimously.

2. 814 W. Clark

Tim Carver attended the meeting as a representative for this property.

This property was first brought before the Board at the August 7, 2006, hearing. At that hearing, a motion was made and approved to allow thirty days to finish the exterior of the property or risk having the property referred to City Council for demolition action at the September 11, 2006, hearing.

The delinquent taxes were paid by Mr. Carver. Having made a site inspection of the property, Ms. Bias noted at that time that the roofing repairs had begun and

painting was in progress. Mr. Carver indicated to Ms. Legge that more work had been done since Ms. Bias' inspection.

Mr. Carver addressed the Board, explaining that it would likely be about sixty days before he could complete the required exterior repairs due to his impending knee replacement surgery. Mr. Carver said that he had purchased the shingles that were in stock at Sutherland's and had the remainder on order, as well as some windows that he had purchased. In the meantime, the brush and debris that had been on the premise had been removed.

Board Member Hentzen inquired about the plans that Mr. Carver had for the house. His intention, Mr. Carver replied, was to use the property as a rental house for low-income tenants.

The question was posed by Board Member Coonrod as to whether the building was secure and the premise clean. Ms. Legge said that the property was secure and clean.

Mr. Carver acknowledged that there had been delinquent taxes along with the housing violations on the property, but during that time, he had not been involved with the property. After he legally took possession of the property, he paid the taxes and began making the necessary repairs. Until he began overseeing this property, along with some others, he had been unaware of its poor condition.

Board Member Coonrod asked if Mr. Carver felt that sixty days would be enough time to make the necessary repairs to the exterior. Mr. Carver assured the Board that the sixty-day extension would be adequate; he indicated that he might be able to complete the work in less time, depending on the recovery period after his surgery.

Board Member Hentzen questioned whether Mr. Carver was doing the repairs himself, or had a crew to do the repairs. Mr. Carver told the Board that he was doing the work himself for the most part, but may hire out some of the repairs.

Board Member Coonrod made a motion to allow sixty days to complete the work on the property, maintaining the property in a clean and secure condition in the meantime or reappear before the Board. Board Member Willenberg seconded the motion. The motion carried, unopposed. (Board Member Youle was not present during this discussion and did not vote.)

3. 4031 E. Stearman

Jesus Cisneros, the new owner, was present as the representative for this property.

This property was last before the Board at the August 7, 2006, hearing. Ms. Legge recapped the circumstances of this property, reminding the Board Members that

the previous owner had been indicted on federal criminal charges and that the United States District Court may place a lien on the property rather than release it to Mr. Cisneros.

The structure is presently secure, although there are some tall grass and weeds on the premises.

Mr. Cisneros expressed his concern about putting money into repairs of the structure only to have the United States District Court seize the property. He said that he has made inquiries to the United States District Court about when a decision on the disposition of the property is anticipated. The answer that he received was that he would be notified by letter whenever the District Court's decision was finalized. A determination will probably be delayed until the completion of the previous owner's trial, which could go on for as long as a year.

Board Member Harder asked Mr. Cisneros if he had received the deed from the purchase of the property. Mr. Cisneros responded that he had received the deed, but had also received a letter from the Federal Government prohibiting him from making any changes to the property until such time as it is released to him.

Ms. Legge asked Mr. Cisneros if he was purchasing the property on contract. Mr. Cisneros told her that he had paid for the property. Board Member Harder suggested that Mr. Cisneros might consider retaining legal representation to protect his financial interests in this property.

Board Member Coonrod made a motion to defer action on this property until the November, 2006, meeting, at which time Mr. Cisneros would appear before the Board to give an update on the ownership status. During this time, the premises are to be kept clean and secure. Board Member Hentzen seconded the motion. The motion carried.

4. 1129 N. Spruce

There was no one present to represent this property.

This is a one-story, frame dwelling about 30 X 30 feet in size. It is vacant and partially boarded. The block foundation is cracking; it has missing and rotted siding; the roof is sagging; the slab porch is cracked; the wood trim is rotted; the 10 X 10 accessory shed is also dilapidated.

The active file was begun on the property in 2001. Several notices were issued as well as two different Uniform Criminal Complaints. Bench warrants were ordered; however they were never served. The Pre-condemnation letter was issued on July 19, 2006, but was returned unclaimed.

The taxes are current. There is bulky waste and debris on the premises; the grass has been cut, but there are overgrown bushes on the premises.

Board Member Harder made a motion to send the property to the City Council with a recommendation of demolition, ten days to start and ten days to finish demolition. Board Member Willenberg seconded the motion. The motion passed unanimously.

5. 1421 N. Madison (garage)

Robert Mathenia appeared before the Board in behalf of this property. Judy Schoenecker, Credit Union of America, was also present.

This is a one-story, concrete-block garage, approximately 18 X 22 feet in size. It is partially boarded; the structure has separating block walls; the roof is rotted and has collapsed.

The active file was initiated on February 11, 2005, with a Notice of Violation and a Pre-condemnation letter on the garage only. Another Notice of Violation was issued on August 26, 2005; on September 28, 2005, a Uniform Criminal Complaint was issued. The case was in court on November 28, 2005, and there was no change to the structure, nor did the defendant appear. Although a bench warrant was issued, the warrant was never served; Ms. Legge was not given an explanation as to why the warrant was not served. On June 12, 2006, a Pre-condemnation letter was issued; the letter was returned, unclaimed.

The taxes are current. There are inoperable vehicles and brush on the premises. No repairs have been made to the structure.

Mr. Mathenia said that it had been his original intention to do the repairs himself with the help of some friends. He said that he had been told that he would have to hire a contractor to make repairs on the garage. He then fell ill and was hospitalized for nearly eight months, unable to do anything to the garage.

Board Member Harder questioned Mr. Mathenia about his plans for the property. Mr. Mathenia replied that he would like to attempt to repair the building; however, he realized that if repairs were impractical, he would have to raze the structure. He told the Board that he had been unable to arrange for repair estimates prior to the August 7, 2006, hearing because he had only found out about the meeting the previous Thursday.

Board Member Youle asked Mr. Mathenia if he could get estimates for repair of the garage by October 2, 2006. Mr. Mathenia stated that he felt that he would be able to meet that deadline.

Board Member Youle made a motion to allow until the October 2nd hearing to obtain an estimate(s) from a licensed contractor(s) to determine the feasibility of restoring the structure or whether Mr. Mathenia will have to demolish it, keeping the premise clean and secure, and reappear at the October, 2006, meeting to present his findings to the Board. Board Member Willenberg seconded the motion. The motion carried without opposition.

6. 2612 E. 13th

Paul O'Neill was present as a representative for this property.

This is a one-story, frame dwelling about 24 X 63 feet in size. It has been vacant for over one year; the structure is partially boarded; the concrete block foundation is cracking; there is missing and rotted composition siding; the concrete slab porch is cracked; and the trim is rotted.

The active file was started on this property on August 11, 2005, with the issuance of a Notice of Improvements. There was no response to this notice. On October 13, 2005, a Notice of Violation was issued, to which there was no response. Another Notice of Violation was issued on March 22, 2006; again, there was no response to the notice. Beginning on November 15, 2005, there were several rechecks spanning through February of 2006. During a site inspection on April 21, 2006, it was discovered that the structure was unsecured. Central Inspection performed a partial board up on the structure on June 8, 2006. A Pre-condemnation letter was issued on May 24, 2006.

There are tall grass, weeds, and bulky waste debris on the premises. The structure is currently secure.

Mr. O'Neill conveyed his intention to mow and also remove all debris and bulky waste from the premises. He said that this property was purchased in a tax foreclosure sale, and he has not yet received the deed. Although he has a list of the code violations and he plans to fix the property, he was unsure of how much he could legally do until he had the deed.

Board Member Coonrod made a motion to continue this item until the November meeting, keeping the premise clean and secure, in order to allow time for Mr. O'Neill to obtain the deed. If the exterior repairs are accomplished by the November meeting, there will be no need for Mr. O'Neill to reappear before the Board. Board Member Hentzen seconded the motion. The motion carried, unopposed.

7. 1741 N. Lorraine

There was no one representing this property at the hearing.

This is a one-story frame dwelling; it is approximately 37 X 47 feet in size. It has been vacant for at least two years. It has a cracking concrete foundation; it has missing and rotted siding; the concrete slab porches are cracking; there is rotted trim. There is a 10 X 12 metal shed that is dilapidated.

A Notice of Violation was issued on December 4, 2004, initiating the active file. There was no response to this notice, or to the additional notices that were issued over a two-year period. There has been no change to the structure; the 2004 and

2005 taxes are delinquent; there is tall grass and some trash in the front yard and siding and overgrown bushes in the side yard.

Board Member Coonrod made a motion to refer the property to the City Council for demolition action, ten days to begin and ten days to complete demolition. Board Member Harder seconded the motion. The motion passed.

8. 2843 E. Stadium

Troy Newman represented this property.

This is a one-story frame dwelling approximately 24 X 30 feet in size. Vacant for about a year, this structure has a shifting block foundation; the brick siding is cracked; the composition roof is deteriorated; the wood trim is rotted.

A Notice of Violation was issued on April 29, 2005, when the active file was initiated. The property owner at that time moved outside of Sedgwick County. In June of 2005, a recheck inspection revealed that two doors and a window were unsecured; Central Inspection performed a board-up in August of 2005. Subsequent notices were returned unclaimed, and further inspections showed no improvements made on the property. A Pre-condemnation letter was issued in June of 2006.

Currently, the premise condition is good; however, no repairs have been made, and there is a broken window on the north side of the structure.

Mr. Newman addressed the Board, explaining that he had recently purchased the property at a tax foreclosure sale. He said that he was waiting to receive the deed for the property. The premise is cleared of debris and the grass has been mowed. The windows had been boarded up; although it was possible one of the boards had been pried from one of the windows since his last visit to the site. Upon receipt of the deed, he assured the Board that he would commence repairs.

Board Member Youle made a motion to allow until the November meeting for Mr. Newman to acquire the deed, maintaining the premise in a clean and secure condition. If the exterior repairs are complete by the November meeting, there will be no need for Mr. Newman to reappear before the Board. Board Member Harder seconded the motion. The motion was approved.

Board Member Hentzen requested that Ms. Legge make the necessary inquiries to determine what schedule the Sedgwick County Sheriffs' office has for the distribution of the deeds for the properties sold at recent tax foreclosure sales. He suggested that knowing more about the procedures and possible time line might be helpful in future determinations made by the Board.

9. 2402 W. 29th

There was no one present to represent this property.

This structure is a mobile home measuring about 14 X 66 feet in size; it is vacant and open. The structure has damaged metal siding; the skirting is damaged; the wood steps and porches are rotted; there are missing and broken windows.

The first Notice of Improvement was issued on December 21, 2004. There was no response to that notice.

Board Member Youle made a motion to send the property to the City Council with a recommendation of demolition, ten days to start demolition and ten days to complete demolition. Board Member Banuelos seconded the motion. The motion carried unanimously.

10. 1923 S. Greenwood

There was no representative appearing for this property.

This is a one-story, frame dwelling. The structure is about 27 X 42 feet in size. Vacant for over a year, it has broken asbestos siding; the sagging roof has badly worn composition shingles; the slab porches are cracked; there is rotted wood trim; the 20 X 21 foot wood frame accessory garage and 4 X 6 foot shed are dilapidated.

There was no response to the first notice that was issued on April 26, 2004. There were other notices issued throughout the remainder of 2004. After issuing a Notice of Improvement in December of 2005, staff received a call from the new owner of the property. The condition of the property was unchanged.

Board Member Harder made a motion to refer the property to the City Council with a recommendation for demolition, ten days to commence and ten days to complete demolition. Board Member Coonrod seconded the motion. The motion carried.

11. 2323 S. Washington

There was no one appearing on behalf of this property.

Approximately 28 X 28 feet in size, this one-story frame dwelling has been vacant for a year. This structure has broken and missing transite siding and deteriorated hardboard siding; it has a badly worn composition roof; it has rotted covers on the porches; there is rotted and missing wood trim; and the 18 X 22 foot accessory garage is deteriorated.

The active case was initiated on February 8, 2006, with a Notice of Improvement; a Notice of Violation followed on April 18, 2006. There was no response to either

notice; therefore, a Uniform Criminal Complaint was issued on May 19, 2006. There was no court action taken. In July of 2006, an unsecured window was noted. In August, 2006, Central Inspection boarded the window.

There was no response to the Pre-condemnation letter issued on May 24, 2006. The taxes are delinquent for 2004 and 2005. The premises are overgrown and there is bulky waste and debris on the property.

Board Member Banuelos made a motion to send the property before the City Council with a recommendation to allow ten days to begin demolition and ten days to complete demolition. Board Member Harder seconded the motion. The motion was approved.

Ms. Legge then provided digital photos showing the results of three properties on the 1300 block of North Piatt, which had been in condemnation, that were purchased by Mennonite Housing. The existing structures had been razed and new houses were built on the sites.

With no other business to conduct, Board Member Youle made a motion to adjourn. Board Member Willenberg seconded the motion. The motion passed.

The meeting was adjourned at 2:11 p.m.